

JPA #90-21

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND

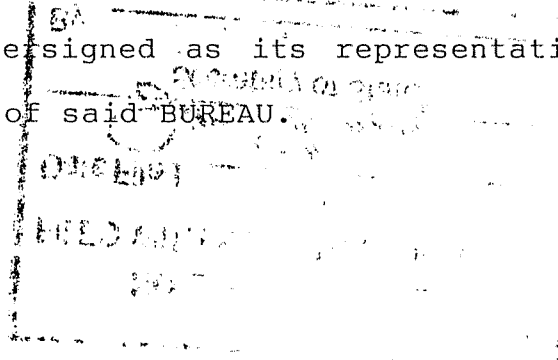
THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FOR THE YAVAPAI-PRESCOTT INDIAN TRIBE

RR 90-2029

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS FOR THE YAVAPAI-PRESCOTT INDIAN TRIBE, hereinafter called "BUREAU,

WHEREAS, the STATE is empowered by Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the BUREAU is empowered by Section 23 and Section 204 (b), (c), and (d), U.S.C. 308 (a) to enter into this Agreement, as approved by Yavapai-Prescott Indian Community Resolution, attached hereto and incorporated herein as Exhibit "A", to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said BUREAU.



NO. 15077
FILED WITH SECRETARY OF STATE
Date Filed 8/22/90
Jim Shumway
Secretary of State
By Henry V. Cromwell

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System on the Yavapai-Prescott Indian Reservation. This work shall consist of the installation of new traffic signals at the following location:

SR 69 MP 295.43 (Frontier Village)

69 YV 295
Project #F029-1-509 H2845 01C

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 69 MP 295.43 (Frontier Village).

2. The STATE will be responsible for any contractor claims for extra compensation attributable to State.

3. The BUREAU, upon completion of the work shall reimburse the STATE for 50 per cent of the final construction and engineering costs at SR 69 (Frontier Village). Funds are held by the BUREAU for this purpose under BIA funding citation H68/302/X/1920/3435.

* 4. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

5. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. Section 38-511.

6. The provisions of A.R.S. Section 35-214 are applicable.

7. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

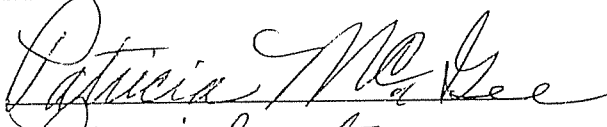
8. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate Attorney that the Bureau is authorized under the laws of the United States of America to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: 
State Traffic Engineer

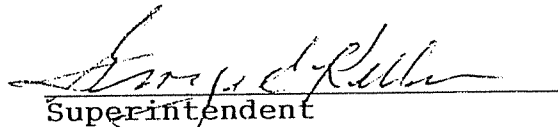
DATE: Aug 7, 1990

THE YAVAPAI-PRESCOTT INDIAN TRIBE

BY: 
TITLE: President

DATE: 7/26/90

THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

BY: 
Superintendent
Truxton Canon Agency

DATE: 8-3-90

ATTEST:

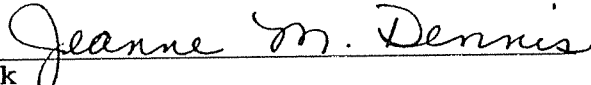

Clerk

EXHIBIT "A"

RESOLUTION NO. 90-34
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

WHEREAS for the safety and protection of the travelling public, it is necessary and desirable to install traffic signals on State Highway 69, at Milepost 295.43 to control traffic to Frontier Village, and

WHEREAS, an agreement for construction and installation of the traffic lights has been proposed by Arizona Department of Transportation (ADOT) and,

WHEREAS, the Bureau of Indian Affairs, through the Yavapai-Prescott Tribe, has agreed to pay 50% of the construction costs of the traffic lights, not to exceed \$40,000, and

WHEREAS, ADOT will do the construction and installation of the traffic lights.

NOW, THEREFORE, LET IT BE IT RESOLVED, that the Yavapai-Prescott Board of Directors hereby requests the Bureau of Indian Affairs to approve the proposed agreement with ADOT to construct traffic lights on State Route 69 at Frontier Village, Project Number FO29-509.

BE IT FURTHER RESOLVED THAT the President is authorized to sign the agreement along with the BIA if required.

C E R T I F I C A T I O N

I, the undersigned, as President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members of whom 3 members constituting a quorum were present this 24th day of May, 1990 and that the foregoing Resolution was adopted by a vote of 3 in favor, 0 against, under the authority of the Articles of Association, Article VI, Section 1 (g).



PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:



SECRETARY, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

EXHIBIT "B"

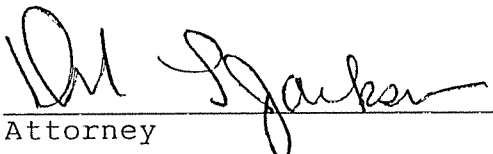
APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the UNITED STATES DEPARTMENT OF THE INTERIOR, Bureau of Indian Affairs, for the Yavapai-Prescott Indian Tribe and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the United States of America.

DATED this 31st day of July, 1990.

THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS FOR
THE YAVAPAI-PRESCOTT INDIAN TRIBE

BY:

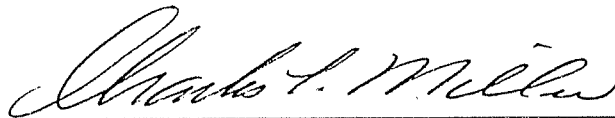

Attorney

CONSTRUCTION - TRAFFIC SIGNALS

SR 69 - MP 295.43 (Frontier Village Entrance)
Project #F029-1-509 H 284501C 69 YV 295

RESOLUTION

BE IT RESOLVED on this 19th day of March, 1990, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, for the Yavapai-Prescott Indian Tribe, for the installation of traffic signals and/or highway lighting justified by a Traffic Engineering study. The UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, for the Yavapai-Prescott Indian Tribe, shall reimburse the STATE for 50% of the final construction and engineering costs not to exceed \$40,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES L. MILLER, Director
ARIZONA DEPARTMENT OF TRANSPORTATION



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 90-2029, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 9th day of August, 1990

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "James F. Redgate", written over a horizontal line.

Assistant Attorney General
Transportation Division